**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.3133 OF 2006.**

Ravindra Fakira More. ... Appellant.

Versus.

Smt.Yamunabai Gangadhar More & ors. ... Respondents.

Shri A.S.Pratinidhi for the Appellant.

**CORAM : ABHAY S.OKA, J.**

**DATED : 13th February, 2007.**

**P.C.:**

1. Heard the Advocate for the Appellant. Admittedly the valuation of the suit filed by the Appellant for jurisdiction has been made at Rs.2,00,000/-. A separate Civil Application has been taken out for amendment of the plaint by which a prayer has been made for amending the original plaint for increasing the valuation to Rs.60 lakhs.

2. The learned Advocate for the Appellant submitted that the valuation for the jurisdiction of the suit made at Rs.2 lakhs is incorrect.

3. It is a well settled position of law that the forum of appeal is determined on the basis of the valuation for jurisdiction made in the original suit. In the present case, the Appellant is the Plaintiff who has admittedly valued the suit for jurisdiction at Rs.2 lakhs. Therefore, in view of section 26 of the Bombay

Civil Courts Act, 1869 the Appeal will lie to the appropriate District Court and this Court is not the forum of appeal provided in the said statute. Even if the Appellant wants to apply for amendment of the plaint, he will have to do so after preferring the Appeal before the appropriate Appellate Court.

4. Hence office is directed to return the Memorandum of Appeal together with all its accompaniments as well as the Civil Application for presentation to the appropriate District Court.

**Judge.**